

Exhibit A

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

DELRIO MCBROWN
1234 NORMAN DRIVE
COLUMBUS, OH 43227,

PLAINTIFF,
VS.

U HAUL INTERNATIONAL INC
3500 EAST MAIN STREET
COLUMBUS, OH 43213,

DEFENDANT.

20CV-11-7178
CASE NUMBER

**** SUMMONS ****

11/04/20

TO THE FOLLOWING NAMED DEFENDANT:

U HAUL INTERNATIONAL INC
3500 EAST MAIN STREET
COLUMBUS, OH 43213

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,

BY: DELRIO MCBROWN
1234 NORMAN DRIVE
COLUMBUS, OH 43227,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

MARK KITRICK
KITRICK & LEWIS HARRIS
SUITE 100
445 HUTCHINSON AVE
COLUMBUS, OH 43235

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: BROOKE ELLIOTT, DEPUTY CLERK

(CIV370-S03)

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

Delrio McBrown
1234 Norman Dr.
Columbus, Ohio 43227

Plaintiff,

—vs.—

Case No. _____

Judge _____

Case Designation "C"

U-Haul International, Inc.
dba
U-Haul Moving & Storage of Whitehall
3500 E. Main St.
Columbus, Ohio 43213

Also serve at:
U-Haul International, Inc.
c/o Commercial Registered Agent
CT Corporation System
701 S. Carson St., Ste. 200
Carson City, NV 89701

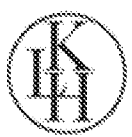
Also serve at:
U-Haul International, Inc.
c/o Statutory Agent
CT Corporation System
3800 N. Central Ave., Ste. 460
Phoenix, Arizona 85012

and

Amerco, Inc.
c/o Registered Agent
The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, Delaware 19801

and

John/Jane Doe #1-25



Names unknown
Addresses unknown

Defendants.

COMPLAINT WITH JURY DEMAND ENDORSED HEREON

PARTIES, JURISDICTION, AND VENUE

1. At all relevant times, Defendant U-Haul International, Inc. ("U-Haul") is a Nevada corporation with its corporate headquarters in Arizona, doing business in the State of Ohio, including as U-Haul Moving and Storage of Whitehall at 3500 E. Main St., Columbus, Ohio 43213 in Franklin County, Ohio. Upon information and belief, "U-Haul Moving and Storage of Whitehall" is an unregistered trade name of Defendant U-Haul.

2. At all relevant times, upon information and belief, Defendant Amerco, Inc. ("Amerco") is a Delaware corporation that owns and/or is the holding company for Defendant U-Haul.

3. At all relevant times, Defendants John/Jane Doe #1-25 were the employees and/or agents of Defendants U-Haul and/or Amerco whose names and addresses could not be obtained. Moreover, Defendants John/Jane Doe #1-25 were acting in the course and scope of their employment and/or agency, rendering Defendants U-Haul and Amerco liable for their negligence and misconduct under the doctrine of *respondeat superior*.

4. This Court has subject matter jurisdiction under R.C. 2305.01 and personal jurisdiction over Defendants because each is a citizen of Ohio who regularly, freely, and



purposefully directs its business activities at Ohio citizens, such that each has purposefully availed itself of the privileges of conducting business in Ohio, and has rendered itself subject to jurisdiction based, in large part, on the torts caused by its in-state activities alleged herein, among other reasons.

5. R.C. 2307.382, Ohio's long-arm statute, authorizes the exercise of personal jurisdiction over nonresident defendants. Civ.R. 4.3 provides for service and determines the "minimum contacts" necessary to effectuate that jurisdiction.

6. Venue is proper under Civ. R. 3(B)(1), (2) and/or (6), among other bases.

FIRST CLAIM – PREMISES LIABILITY AND NEGLIGENCE

7. On the afternoon of June 1, 2020, Plaintiff Delrio McBrown visited U-Haul Moving and Storage of Whitehall at 3500 E. Main St., Columbus, Ohio 43213, which is owned and operated by Defendants U-Haul and/or Amerco. Plaintiff McBrown saw one counter open for service and followed the six feet apart signs on the floor to maintain appropriate social distancing. As she was walking, an employee of Defendants U-Haul and/or Amerco redirected her to head in her direction. Following directions from Defendants' employee, Plaintiff McBrown made a left turn, and then tripped and immediately started falling to the ground. After she fell, Plaintiff McBrown realized she tripped on an empty pallet that was unmarked and hidden behind a number of high boxes,



and this hidden pallet was not roped off in any way. In fact, it was hidden by other boxes as she approached that turn and lane to walk as directed by Defendants' employee.

8. At all relevant times, Plaintiff Delrio McBrown was a business invitee of Defendants U-Haul and/or Amerco. As a business/premises owner, Defendants U-Haul and Amerco owed Plaintiff Delrio McBrown the duty of ordinary and reasonable care for the safety of a business invitee, and are required to keep the premises in a reasonably safe condition, among other requirements and duties. Defendants U-Haul and Amerco also owed Plaintiff McBrown the duty to inspect for, and warn about, any dangerous conditions that Plaintiff could not reasonably discover.

9. Defendants U-Haul and/or Amerco negligently failed to appropriately place and/or stack empty wooden pallets at U-Haul Moving and Storage of Whitehall at 3500 E. Main St., Columbus, Ohio 4321, and/or appropriately warn Plaintiff Delrio McBrown, among other breaches of Defendants' duties of care.

10. At all relevant times, Defendants U-Haul and/or Amerco knew or should have known about the improperly placed and/or stacked pallets on the floor before Plaintiff Delrio McBrown tripped and was injured.

11. As a direct and proximate result of Defendants U-Haul, Amerco and/or John/Jane Doe #1-25's negligence, Plaintiff Delrio McBrown sustained serious and



permanent injuries to her foot, causing permanent pain and suffering, among other damages.

12. As a direct and proximate result of Defendants U-Haul, Amerco and/or John/Jane Doe #1-25's negligence, Plaintiff Delrio McBrown has incurred medical treatment, including but not limited to ankle surgery requiring two plates and seven screws, and medical expenses in excess of \$22,417.70, and expects to incur further treatment and expenses in the future.

13. As a direct and proximate result of Defendants U-Haul, Amerco and/or John/Jane Doe #1-25's negligence, Plaintiff Delrio McBrown lost wages, employment benefits, and opportunities in an amount to be determined at or before trial, and will lose further wages, employment benefits, and opportunities in the future. Plaintiff Delrio McBrown has sustained a permanent impairment of her earning capacity.

14. As a direct and proximate result of Defendants U-Haul, Amerco and/or John/Jane Doe #1-25's negligence, Plaintiff Delrio McBrown sustained a permanent loss of enjoyment of life, permanent and substantial physical deformity, and a permanent physical functional injury.



SECOND CLAIM – RESPONDEAT SUPERIOR

15. Plaintiff incorporates all above paragraphs by reference.

16. At all relevant times, Defendants John/Jane Doe #1-25 were employees and/or agents acting within the course and scope of his employment and/or agency with Defendants U-Haul and/or Amerco.

17. As such, pursuant to the doctrine of *respondeat superior*, Defendant U-Haul and/or Defendant Amerco is liable for Defendant John/Jane Doe #1-25's negligence and all damages stated in this Complaint.

THIRD CLAIM – NEGLIGENCE ENTRUSTMENT, HIRING, RETENTION, AND SUPERVISION

18. Plaintiff incorporates all above paragraphs by reference.

19. At all relevant times, Defendants U-Haul and/or Amerco negligently hired, trained, retained, and/or supervised Defendants John/Jane Doe #1-25, among other negligent acts.

20. Specifically, among other negligent acts, Defendants U-Haul and/or Amerco negligently failed to reasonably vet, train and/or supervise employees concerning keeping walkways clear of hazards, providing warnings and instructing business invitees where to walk to safely navigate their store premises.



21. At all relevant times, upon information and belief, Defendants John/Jane Doe #1-25 negligently failed to properly place, stack and/or warn of the empty pallets in the walkway, and further directed Plaintiff Delrio McBrown to take a path hazardous path, among other negligent acts and omissions.

22. As a direct and proximate result of Defendants U-Haul, Amerco and/or John/Jane Doe #1-25's negligence, Plaintiff has sustained the damages as set forth in this Complaint.

FOURTH CLAIM – NEGLIGENCE AND VICARIOUS LIABILITY

23. Plaintiff incorporates all above paragraphs by reference.

24. Upon information and belief, Defendants John/Jane Doe #1-25 committed negligent acts and/or omissions which directly and proximately caused Plaintiff's injuries and damages as stated in this Complaint.

25. Upon information and belief, Defendants John/Jane Doe #1-25 were vicariously liable for the negligent acts and/or omissions of others which directly and proximately caused Plaintiff's injuries and damages as stated in this Complaint. As such, Defendants John/Jane Doe #1-25 are liable for all injuries and damages as stated in this Complaint.



WHEREFORE, Plaintiff demands a money judgment against each Defendant, jointly and severally, in **an amount in excess of Twenty Five Thousand Dollars (\$25,000)**, plus interest, attorney fees, costs and any other relief and/or damages the Court determines to be fair, equitable, and in the interests of justice.

Plaintiff Demands a Trial by Jury of Eight (8).

Respectfully submitted,
Kitrick, Lewis & Harris Co., L.P.A.

/s/ Mark Kitrick
Mark Kitrick (0000021)
445 Hutchinson Avenue, Suite 100
Columbus, Ohio 43235
Telephone: (614) 224-7711
Facsimile: (614) 225-8985
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and

/s/ Elizabeth Mote
Elizabeth Mote (0086379)
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Trial Attorneys for Plaintiff

